

REMARKS

Claims 1-30 are now pending. Applicant has amended claims 1 and 11-14, and added claims 16-30.

The Examiner rejected claims 1-5 and 10-11 under 35 U.S.C. § 102(e) as being anticipated by Burgan and claims 6-9 and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Burgan in view of either La Porta or Bartfai. Although applicant disagrees, applicant has amended the claims to explicitly recite (and the newly added claims explicitly recite) that the sending computer system receives a successful acknowledgement and then "determines whether the user specified criteria for returning a successful acknowledgment are met" as recited, for example, in claim 1.

The Examiner relies on Burgan's guaranteed delivery option that can be specified when creating a new chat topic with a chat server. (Burgan, Fig. 5.) When a user requests to subscribe to a chat that has the guaranteed delivery option specified, then the chat server sends a programming message to the user's computer and waits until a successful acknowledgment is received (i.e., guaranteeing delivery) to activate the chat topic. Whenever that acknowledgment is received, the server considers that the delivery was successful.

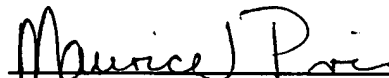
Applicant's claims, in contrast, are directed to determining whether a successful acknowledgement meets a user-specified criterion for delivery success. For example, if an instant message is to be sent to multiple recipients, the sender can specify that delivery is successful when a successful acknowledgment is received from any one recipient or that delivery is successful only when a successful acknowledgement is received from each recipient. Thus, the user can specify the criterion used to determine when a successful acknowledgement represents a successful delivery. Burgan neither teaches nor suggests that once a successful acknowledgment is received, determining whether that successful acknowledgment satisfies a user-specified criterion for delivery success. Burgan just assumes the delivery was successful if a successful acknowledgement is received and does not determine actual success of delivery based on a user-specified criterion.

Based upon the above amendments and remarks, applicant respectfully request reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Respectfully submitted,

Perkins Coie LLP

Date: October 4, 2004

A handwritten signature in dark ink, appearing to read "Maurice J. Pirio", is written over a horizontal line.

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